

## **2011 DRAFTING REQUEST**

### **Bill**

Received: **12/14/2010**

Received By: **agary**

Wanted: **As time permits**

Companion to LRB:

For: **Administration-Budget**

By/Representing: **Waterman**

May Contact:

Drafter: **agary**

Subject: **Fin. Inst. - miscellaneous**

Addl. Drafters:

Extra Copies: **CTS, PJH, GMM**

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

---

### **Pre Topic:**

DOA:.....Waterman, BB0145 -

---

### **Topic:**

Transfer notary and trademark functions from Secretary of State to DFI

---

### **Instructions:**

See attached

---

### **Drafting History:**

| <u>Vers.</u> | <u>Drafted</u>      | <u>Reviewed</u>        | <u>Typed</u>           | <u>Proofed</u> | <u>Submitted</u>       | <u>Jacketed</u> | <u>Required</u> |
|--------------|---------------------|------------------------|------------------------|----------------|------------------------|-----------------|-----------------|
| /?           |                     |                        |                        | _____          |                        |                 | State           |
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| /6           |                     |                        | jfrantze<br>02/11/2011 | _____          | cduerst<br>02/11/2011  |                 | State           |
| /7           | agary<br>02/18/2011 | csicilia<br>02/18/2011 | phenry<br>02/18/2011   | _____          | sbasford<br>02/18/2011 |                 | State           |

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16 Wlj 2/11

*J* 2/11

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*13 WLJ 1/26*



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**Pre Topic:**

DOA:.....Waterman, BB0145 -

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**Topic:**

Transfer notary<sup>and</sup>/trademark and authentication functions from Secretary of State to DFI

---

**Instructions:**

See attached

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12 Wlj 1/3

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Transfer notary, trademark, and authentication functions from Secretary of State to DFI


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| /?           | agary          | 1 Wlj 12/20     | 12/20        | <br>12/21 |                  |                 | State           |

FE Sent For:

<END>

**Gary, Aaron**

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**Subject:** RE: Statutory Language Drafting Request

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**From:** DOADLBASADMININTERNETSHAREPOINT@WI.GOV  
[mailto:DOADLBASADMININTERNETSHAREPOINT@WI.GOV]

**Sent:** Monday, December 13, 2010 1:38 PM

**To:** Hanaman, Cathlene

**Cc:** Shayna.Hetzel@wisconsin.gov; Thornton, Scott - DOA; Grinde, Kirsten - DOA

**Subject:** Statutory Language Drafting Request

Topic: Transfer Notary, Trademark/Trade Name and Authentication/Apostille Functions from SOS to DFI

Tracking Code: BB0145

SBO Team: TTO

SBO Analyst: Waterman, Mickie D - DOA

Phone: (608) 266-1072

E-mail: mickie.waterman@wisconsin.gov

Agency Acronym: SOS

Agency Number: 575

Priority: Medium

Intent: Transfer notary, trademark/trade Name and authentication/apostille functions from SOS to DFI

Attachments: False


12/14/2010



# Office of the Secretary of State State of Wisconsin



Wednesday, December 15 2010

|   |
|---|
| <a href="#">Home Page</a>   |
| <a href="#">Office Hours and Closure Dates</a>                                      |
| <a href="#">Notary Public</a>   |
| <a href="#">Notary Public Tutorial</a>  |
| <a href="#">Authentications and Apostilles</a>                                      |
| <a href="#">Oaths of Office</a>   |
| <a href="#">Pardons</a>   |
| <a href="#">Public Records Policy</a>   |
| <a href="#">Publication of New Laws</a>   |
| <a href="#">Trade Names and Trademarks</a>  |
| <a href="#">Municipal Records</a>   |
| <a href="#">Deeds</a>   |
| <a href="#">Contact Us</a>  |
|  |

## Authentications and Apostilles

**Click below for further information and the Certificate Request form.**

- Certificate Order Form and instructions (4 pages)
- Certificado de Formario de Pedido y los instrucciones - español (4 paginas)

"Authenticating" a document may also be called "flagging", "verifying", "certifying", or "attaching a certificate of magistracy", or attaching a "state seal". It means that an official certificate confirming the existence of a particular notary public or public officer, who has signed the document, must be attached to the document. An authentication certificate may be required when a document is sent to another state or to a foreign country. Business transactions, foreign adoptions, and high school and university transcripts are examples of documents that frequently require authentication. An "apostille" is a specific format of an authentication certificate that is required by certain countries. When requesting authentication certificates from the Secretary of State's office, it is important to specify which foreign country is involved, so this Office can determine if an apostille or "regular" authentication is necessary. Use of the wrong certificate can cause a document to be rejected by the foreign country.

- Make certain that your document was notarized by a Wisconsin notary public or a Wisconsin public officer or Federal officer.
- When sending Vital Records (Birth, Death, Marriage, or Divorce Certificate) make certain that they are original documents coming from either Vital Records or the Register of Deeds in the county that the event took place, and that they are not copied or notarized. It is illegal to photo copy these documents unless you are from Vital Records or the Register of Deeds. **When requesting documents from these offices, make sure you let them know this is for foreign use and you need the "long form".**
- If submitting corporate documents - make certain that the information stated in the notarial certificate is information that the notary has the authority to certify. Statements regarding a company being organized and existing under the laws of a state are beyond the authority of a Wisconsin notary. Many of these notarial certificates are samples from other countries where notaries have different authorities. Verify that your document is notarized properly. Sample statements are listed below.
- If you have a notarized document, verify that the proper notarial statement has been made on the document.



State of Wisconsin  
2011 - 2012 LEGISLATURE

in  
12/15



LRB-0721/1

ARG:.....

Wlj

DOA:.....Waterman, BB0145 - Transfer notary, trademark, and authentication functions from Secretary of State to DFI

**FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION**

Do Not Gen

1

AN ACT... relating to: the budget.

*Analysis by the Legislative Reference Bureau*

✓ **COMMERCE AND ECONOMIC DEVELOPMENT**

✓ **FINANCIAL INSTITUTIONS**

Under current law, a person may file an application to be a notary public with the Office of the Secretary of State (SOS). If the SOS determines that the applicant is qualified, the SOS issues a certificate of appointment and the person's commission as a notary public is valid for four years. However, for a person licensed to practice law, the commission as a notary public is permanent.

This bill transfers notary public functions from the Office of the SOS to DFI.

Under current law, a person may file for state trademark or service mark registration with the Office of the SOS. If applicable requirements are met, the SOS issues a certificate of registration of the mark. The SOS must also keep a record of brands used on beverage containers for which the SOS has received an application to record the brand. A lodge, fraternal society, or similar organization may also register with the SOS its identifying information, including its name, motto, emblem, or other insignia, and the SOS must keep a properly indexed file of these registrations.

This bill transfers these trademark and similar functions from the Office of the SOS to DFI.



Under current law, the state has a great seal and a lesser seal, both of which are kept in the Office of the SOS. The great seal contains the words "Great Seal of the State of Wisconsin" and the lesser seal, which is smaller in diameter, contains the words "Seal of the Secretary of State" and "State of Wisconsin." The lesser seal may be used to authenticate papers and documents issued by the SOS, except that the SOS must affix the great seal to and countersign all commissions issued and other official acts done by the governor. If the governor or attorney general releases or satisfies any lien or other obligation in favor of the state and the release or satisfaction is required to be under seal, the SOS must affix the great seal and authenticate the applicable signatures. A certificate by the SOS, under the great seal or lesser seal, to facts in the records of the Office of the SOS must be received as presumptive evidence of the facts so certified. Certain other seals must be filed in the Office of the SOS, including the seal of the private secretary to the governor.

This bill generally transfers these authentication and seal functions of the Office of SOS to DFI. The bill also eliminates the lesser seal. Under the bill, the SOS may continue to certify records in the Office of the SOS<sup>re</sup> without the requirement of affixing a seal.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 1.15 (4) of the statutes is created to read:

2           1.15 (4) The secretary of financial institutions shall affix the great seal to and  
3 countersign all commissions issued and other official acts done by the governor, the  
4 governor's approbation of the laws excepted.

5           **SECTION 2.** 14.07 (2)<sup>J</sup> of the statutes is amended to read:

6           14.07 (2) The executive privy seal, a written description of which is deposited  
7 ~~in the office of the secretary of state~~ with the department of financial institutions,  
8 is the seal of the private secretary to the governor, with which all the private  
9 secretary's official certificates shall be authenticated.

History: 1977 c. 29 s. 1649; 1991 a. 316.

10           **SECTION 3.** 14.12 of the statutes is amended to read:

1           **14.12 Execution of releases and satisfactions.** Unless otherwise provided  
2 by law, the governor and attorney general may release or satisfy any lien or other  
3 obligation in favor of the state, upon payment by the obligor of the full amount due  
4 thereon or of the amount provided in any compromise settlement duly entered into  
5 and approved as provided by law. When such release or satisfaction is required to  
6 be under seal, the secretary of state financial institutions shall affix the great seal  
7 of the state and authenticate the signatures of said officers.

8           **SECTION 4.** 14.38 (2) of the statutes is amended to read:

9           **14.38 (2) AFFIX GREAT SEAL; REGISTER REGISTER COMMISSIONS.** ~~Affix the great seal~~  
10 ~~to and countersign all commissions issued and other official acts done by the~~  
11 ~~governor, the governor's approbation of the laws excepted; and make~~ Make a register  
12 of such commissions all commissions issued and other official acts done by the  
13 governor, the governor's approbation of the laws excepted, in a book provided by the  
14 governor therefor, specifying the person to whom issued, the office conferred, and the  
15 date and term of the commission.

History: 1975 c. 93, 198, 224, 421; 1977 c. 29; 1977 c. 196 s. 131; 1979 c. 328; 1981 c. 124, 372; 1983 a. 27; 1983 a. 36 s. 96 (2); 1985 a. 29, 303, 338; 1989 a. 123, 303; 1991 a. 32, 39, 316; 1993 a. 112, 214, 452; 1995 a. 27, 225; 2003 a. 33; 2005 a. 25; 2009 a. 42, 363.

16           **SECTION 5.** 14.38 (9) of the statutes is amended to read:

17           **14.38 (9) FURNISH CERTIFIED COPIES; FEES.** Make a copy of any law, resolution,  
18 deed, bond, record, document or paper deposited or kept in his or her office, upon  
19 request therefor, attach thereto his or her certificate, ~~with the greater or lesser seal~~  
20 ~~affixed,~~ and collect therefor 50 cents per page and \$5 for such certificate; if a copy is  
21 not to be certified and if the reproduction is performed by the office of the secretary  
22 of state, then collect a fee to cover the actual and necessary cost of reproduction and  
23 actual and necessary cost of transcription required to produce the copy or \$2,  
24 whichever is greater; also to record any document authorized or required by law to

1 be recorded in his or her office, and to charge therefor a fee of \$1 per page. The fee  
2 for certified copies and for certificates as to results of searches of the records and files  
3 of his or her office, when a printed form is used, shall be \$5, but when a specially  
4 prepared form is required the fee shall be \$10. Telegraphic reports as to results of  
5 record searches shall be \$5 plus the cost of the telegram. The secretary of state shall  
6 charge and collect for preparing any record or certificate under this subsection in an  
7 expeditious manner, an expedited service fee of \$25 in addition to the fee otherwise  
8 required under this subsection.

**History:** 1975 c. 93, 198, 224, 421; 1977 c. 29; 1977 c. 196 s. 131; 1979 c. 328; 1981 c. 124, 372; 1983 a. 27; 1983 a. 36 s. 96 (2); 1985 a. 29, 303, 338; 1989 a. 123, 303; 1991 a. 32, 39, 316; 1993 a. 112, 214, 452; 1995 a. 27, 225; 2003 a. 33; 2005 a. 25; 2009 a. 42, 363.

9 **SECTION 6.** 14.45 (title), (1) and (2) of the statutes are renumbered 1.15 (title),

10 (1) and (2), and 1.15 (title) and (1), as renumbered, are amended to read:

11 **1.15 (title) Great and lesser seals seal.**

12 (1) The state shall have a great seal and a lesser seal both of which shall be that  
13 is kept in the office of the secretary of state department of financial institutions.

14 **SECTION 7.** 14.45 (3) of the statutes is repealed.

15 **SECTION 8.** 20.575 (1) (g) of the statutes is amended to read:

16 20.575 (1) (g) *Program fees.* The amounts in the schedule for the purpose of  
17 carrying out general program operations. Except as provided under par. (ka), all  
18 amounts received by the secretary of state, including fees under ~~ch. 132 and subch.~~  
19 ~~I of ch. 137~~ and all moneys transferred from the appropriation under s. 20.144 (1) (g),  
20 shall be credited to this appropriation. Notwithstanding s. 20.001 (3) (a), any  
21 unencumbered balance at the close of a fiscal year exceeding 10% of that fiscal year's  
22 expenditures under this appropriation shall lapse to the general fund.

**History:** 1973 c. 216, 334; 1975 c. 39, 224; 1977 c. 29, 418; 1979 c. 34, 103, 175, 221; 1981 c. 20; 1983 a. 27; 1985 a. 29, 338; 1987 a. 27; 1989 a. 31, 123, 303, 359; 1991 a. 39; 1993 a. 35, 452, 491; 1995 a. 27, 216; 1997 a. 27, 35, 306.

23 **SECTION 9.** 59.23 (2) (m) 2. of the statutes is amended to read:

1           59.23 (2) (m) 2. Except as otherwise provided, receive and file the official oaths  
2     and bonds of all county officers and upon request shall certify under the clerk's  
3     signature and seal the official capacity and authority of any county officer so filing  
4     and charge therefor the statutory fee. Upon the commencement of each term every  
5     clerk shall file the clerk's signature and the impression of the clerk's official seal in  
6     ~~the office of the secretary of state~~ with the department of financial institutions.

History: 1995 a. 201 ss. 261, 263, 264, 275; 1995 a. 225 ss. 147 to 150; 1997 a. 27; 1999 a. 9.

7           **SECTION 10.** 59.43 (1) (t) of the statutes is amended to read:

8           59.43 (1) (t) Upon commencement of each term, file his or her signature and  
9     the impression of his or her official seal or rubber stamp ~~in the office of the secretary~~  
10    ~~of state~~ with the department of financial institutions.

History: 1995 a. 201 ss. 326, 327, 335, 338 to 353, 355, 361, 367, 369, 375, 377 to 380, 382 to 384; 1995 a. 225 ss. 159, 160, 162; 1995 a. 227; 1997 a. 27 ss. 2164am to 2164e, 9456 (3m); 1997 a. 35, 79, 140, 252, 282, 303, 304; 1999 a. 9; 2001 a. 10; 2001 a. 16 ss. 1999m to 2001m, 4041b; 2003 a. 33 s. 2811; 2003 a. 48 ss. 10, 11; 2003 a. 206 ss. 1 to 7, 23, 24; 2005 a. 25 ss. 1231 to 1234, 2493; 2005 a. 41, 139, 441; 2009 a. 98, 314, 320.

11          **SECTION 11.** 100.14 (2) of the statutes is amended to read:

12          100.14 (2) The ~~secretary of state~~ department of financial institutions shall,  
13     upon application of the department of agriculture, trade and consumer protection,  
14     record any such label or trademark under ss. 132.01 to 132.11. The department of  
15     agriculture, trade and consumer protection shall be entitled to protect such label or  
16     trademark under said sections and in any other manner authorized by law.

17          **SECTION 12.** 132.001 (1m) of the statutes is created to read:

18          132.001 (1m) "Department" means the department of financial institutions.

19          **SECTION 13.** 132.01 (1) of the statutes is amended to read:

20          132.01 (1) Any person, firm, partnership, corporation, association or union of  
21     workingmen, which has heretofore adopted or used or shall hereafter adopt or use  
22     any mark for the purpose of designating, making known, or distinguishing any  
23     goods, wares, merchandise, service, business or other product of labor or

1 manufacture as having been made, manufactured, produced, prepared, packed, or  
2 put on sale by such person, firm, partnership, corporation, association, or union of  
3 workingmen, or by a member or members thereof, he, she or they, if residents of this  
4 or any other state of the United States, and such foreign corporations as may have  
5 been duly licensed to transact business in the state of Wisconsin, may file an original,  
6 a copy, or photographs, or cuts with specifications of the same for record in the office  
7 of the secretary of state with the department, by leaving 2 such originals, copies,  
8 photographs, or cuts with specifications, the same being counterparts, facsimiles, or  
9 drawings thereof, with said secretary the department and by filing therewith a  
10 sworn statement, in such form as may be prescribed by the secretary of state  
11 department, specifying the name of the person, firm, partnership, corporation,  
12 association or union of workingmen, on whose behalf such mark is to be filed, the  
13 class of merchandise and a separate description of the goods to which the same has  
14 been or is intended to be appropriated, the residence, location, or place of business  
15 of such party, that the party, on whose behalf such mark is to be filed, has the right  
16 to the use of the same, and that no other person, or persons, firm, partnership,  
17 corporation, association or union of workingmen has such right either in the identical  
18 form or in any such near resemblance thereto as may be calculated to deceive, and  
19 that the originals, copies, photographs, or cuts, counterparts, facsimiles or drawings  
20 filed therewith are correct.

History: 1975 c. 94; 1979 c. 221; 1985 a. 181; 1989 a. 91, 123, 359; 1993 a. 490.

SECTION 14. 132.01 (3) of the statutes is amended to read:

132.01 (3) For an original or renewal registration, or the recording of an  
assignment, there shall be paid to the secretary of state department the fee of \$15.

History: 1975 c. 94; 1979 c. 221; 1985 a. 181; 1989 a. 91, 123, 359; 1993 a. 490.

SECTION 15. 132.01 (5) of the statutes is amended to read:

↓

132.01 (5) The ~~secretary of state~~ department may not register any mark which consists of or comprises a replica or simulation of the flag, coat of arms, or insignia of the United States of America, or of any state or municipality or any foreign nation.

History: 1975 c. 94; 1979 c. 221; 1985 a. 181; 1989 a. 91, 123, 359; 1993 a. 490.

SECTION 16. 132.01 (6) of the statutes is amended to read:

132.01 (6) (a) A registration recorded or renewed under this section or s. 132.04 or 132.11 before May 1, 1990, is effective for 20 years. A registration may be renewed on or after May 1, 1990, for 10-year periods upon application to the ~~secretary of state~~ department and payment of the same fee required for a registration. Application for renewal shall be made within 6 months before the expiration of the 20-year registration period or 10-year renewal period specified in this paragraph.

↓

(b) A registration recorded under this section or s. 132.04 or 132.11 on or after May 1, 1990, is effective for 10 years. A registration may be renewed for 10-year periods upon application to the ~~secretary of state~~ department and payment of the same fee required for a registration. Application for renewal shall be made within 6 months before the expiration of the 10-year period specified in this paragraph.

History: 1975 c. 94; 1979 c. 221; 1985 a. 181; 1989 a. 91, 123, 359; 1993 a. 490.

SECTION 17. 132.01 (7) (intro.) of the statutes is amended to read:

132.01 (7) (intro.) The ~~secretary of state~~ department shall do all of the following:

History: 1975 c. 94; 1979 c. 221; 1985 a. 181; 1989 a. 91, 123, 359; 1993 a. 490.

SECTION 18. 132.01 (7) (b) of the statutes is amended to read:

132.01 (7) (b) Cancel from his or her register a registration of a mark under this section upon the request of the registrant of the mark. The ~~secretary of state~~ department may not charge a fee for canceling a registration under this paragraph.

History: 1975 c. 94; 1979 c. 221; 1985 a. 181; 1989 a. 91, 123, 359; 1993 a. 490.

SECTION 19. 132.01 (8) of the statutes is amended to read:

1           132.01 (8) Any person, firm, partnership, corporation, association or union who  
2       claims a right to the use of subject matter conflicting with any registration by another  
3       may bring action against such other in the circuit court for the county in which such  
4       other resides, or in the circuit court for Dane County, and in any such action the right  
5       to the use and registration of such subject matter shall be determined as between the  
6       parties, and registration shall be granted or withheld or canceled by the ~~secretary~~  
7       of state department in accordance with the final judgment in any such action.  
8       Nonuser for a period of at least 2 years continuing to the date of commencement of  
9       any action in which abandonment is in issue shall be prima facie evidence of  
10      abandonment to the extent of such nonuser.

History: 1975 c. 94; 1979 c. 221; 1985 a. 181; 1989 a. 91, 123, 359; 1993 a. 490.

11           **SECTION 20.** 132.01 (9) of the statutes is amended to read:

12           132.01 (9) Title to any registration hereunder shall pass to any person, firm or  
13      corporation succeeding to the registrant's business to which such registration  
14      pertains. Written assignments of any such registration from a registrant to such a  
15      successor may be filed with and shall be recorded by the ~~secretary of state~~  
16      department upon payment of the fee specified in sub. (3). When such assignment is  
17      recorded, a new registration shall be entered in the name of the assignee, and on such  
18      registration and any subsequent certificates or registration of an assigned  
19      registration the ~~secretary of state~~ department shall show the previous ownership  
20      and dates of assignment thereof.

History: 1975 c. 94; 1979 c. 221; 1985 a. 181; 1989 a. 91, 123, 359; 1993 a. 490.

21           **SECTION 21.** 132.031 of the statutes is amended to read:

22           **132.031 Certificate; evidence.** The ~~secretary of state~~ department shall  
23      deliver to the person, corporation, association or union so filing or causing to be filed  
24      any such mark, or any assignment of such subject matter previously registered, or

1 to any person, corporation, association or union renewing a registration, as many  
2 duly attested certificates of the registration or renewal of the same as may be desired.  
3 Any such certificate shall, in all suits and prosecutions arising out of or depending  
4 upon any rights claimed under such mark, be prima facie evidence of the adoption  
5 thereof and of the facts prerequisite to registrations thereof as required by s. 132.01.

History: 1985 a. 181.

6 **SECTION 22.** 132.04 (1) of the statutes is amended to read:

7 132.04 (1) Any person who is the owner of cans, tubs, firkins, boxes, bottles,  
8 casks, barrels, kegs, cartons, tanks, fountains, vessels or containers with his or her  
9 names, brands, designs, trademarks, devices or other marks of ownership stamped,  
10 impressed, labeled, blown in or otherwise marked thereon, may file with the  
11 ~~secretary of state~~ department and record with the register of deeds of any county in  
12 which the person has his or her principal place of business, a written statement or  
13 description verified by affidavit of the owner or his or her agent, of the names, brands,  
14 designs, trademarks, devices or other marks of ownership used by him or her, and  
15 of the articles upon which they are used, or if the principal place of business is outside  
16 the state, then a written statement or verified description may be recorded with the  
17 register of deeds of any county. The statement shall be published as a class 3 notice,  
18 under ch. 985, in the county, and a copy of the publication, proved as provided in s.  
19 985.12, shall also be filed with the ~~secretary of state~~ department and recorded with  
20 the register of deeds.

History: 1989 a. 91, 123; 1993 a. 301; 1995 a. 201.

21 **SECTION 23.** 132.04 (2) of the statutes is amended to read:

22 132.04 (2) All such written statements or descriptions and all such certificates  
23 of publication so filed or recorded shall be subject at all reasonable hours to public  
24 inspection. The ~~secretary of state~~ department and the register of deeds shall deliver



1 to all applicants certified copies of all such written statements or descriptions or  
2 names, brands, designs, trademarks, devices, or other marks of ownership and of all  
3 certificates of publication filed or recorded with them and such certified copies shall  
4 be admissible in evidence in all prosecutions under ss. 132.04 to 132.08, and shall be  
5 prima facie evidence that this section has been complied with, and of the title of the  
6 owner named therein to the property upon which the name, brand, design,  
7 trademark, device or other marks of ownership of the owner appear as described  
8 therein.

History: 1989 a. 91, 123; 1993 a. 301; 1995 a. 201.

9 **SECTION 24.** 132.04 (3) of the statutes is amended to read:

10 132.04 (3) The ~~secretary of state~~ department shall receive a fee of \$15 and the  
11 register of deeds shall receive the fee specified in s. 59.43 (2) (ag) or (e) for each  
12 statement and certificate of publication filed or recorded and shall also receive the  
13 fee specified in s. 59.43 (2) (b) for each certified copy of such statement and certificate  
14 of publication, to be paid for by the person filing, recording or applying for the same.

History: 1989 a. 91, 123; 1993 a. 301; 1995 a. 201.

15 **SECTION 25.** 132.04 (4) of the statutes is amended to read:

16 132.04 (4) (a) The ~~secretary of state~~ department and register of deeds shall  
17 cancel a statement or description under this section upon the request of the person  
18 named in the records of the ~~secretary of state~~ department or register of deeds as the  
19 owner of marks of ownership described in the statement or description.

20 (b) The ~~secretary of state~~ department and register of deeds may not charge a  
21 fee for canceling a statement or description under par. (a).

History: 1989 a. 91, 123; 1993 a. 301; 1995 a. 201.

22 **SECTION 26.** 132.11 (1) (intro.) of the statutes is amended to read:

1           132.11 (1) (intro.) The ~~secretary of state~~ department shall do all of the  
2 following:

3 **History:** 1989 a. 91, 123, 359.

3           **SECTION 27.** 132.11 (1) (c) of the statutes is amended to read:

4           132.11 (1) (c) Cancel the description of a name, brand or trademark recorded  
5 under par. (a) upon the request of the person, firm or corporation named in the  
6 records of the ~~secretary of state~~ department as the owner of the name, brand or  
7 trademark. The ~~secretary of state~~ department may not charge a fee for canceling a  
8 description under this paragraph.

9 **History:** 1989 a. 91, 123, 359.

9           **SECTION 28.** 132.16 (1m) of the statutes is amended to read:

10           132.16 (1m) Any organization may register, ~~in the office of the secretary of~~  
11 ~~state, with the~~ department a facsimile, duplicate, or description of any of the  
12 organization's identifying information and may, by reregistration, alter or cancel the  
13 organization's identifying information.

14 **History:** 1985 a. 135 s. 83 (4); 1991 a. 189; 1993 a. 482; 2001 a. 107; 2005 a. 22.

14           **SECTION 29.** 132.16 (2) of the statutes is amended to read:

15           132.16 (2) Application for registration or reregistration under sub. (1m) shall  
16 be made by the organization's chief officer or officers upon forms provided by the  
17 ~~secretary of state~~ department. The registration shall be for the use, benefit, and on  
18 behalf of the organization and the organization's current and future individual  
19 members throughout this state.

20 **History:** 1985 a. 135 s. 83 (4); 1991 a. 189; 1993 a. 482; 2001 a. 107; 2005 a. 22.

20           **SECTION 30.** 132.16 (3) of the statutes is amended to read:

21           132.16 (3) The ~~secretary of state~~ department shall keep a properly indexed file  
22 of all registrations under this section, which shall also show any alterations or  
23 cancelations by reregistration.

**History:** 1985 a. 135 s. 83 (4); 1991 a. 189; 1993 a. 482; 2001 a. 107; 2005 a. 22.

1           **SECTION 31.** 132.16 (5) of the statutes is amended to read:

2           132.16 (5) Upon granting registration under this section, the ~~secretary of state~~  
3       department shall issue ~~his or her~~ a certificate to the petitioners, setting forth the fact  
4       of the registration.

History: 1985 a. 135 s. 83 (4); 1991 a. 189; 1993 a. 482; 2001 a. 107; 2005 a. 22.

5           **SECTION 32.** 132.16 (6) of the statutes is amended to read:

6           132.16 (6) The fees of the ~~secretary of state~~ department for registration or  
7       reregistration under this section, searches made by the ~~secretary of state~~  
8       department, and certificates issued by the ~~secretary of state~~ department under this  
9       section, shall be the same as provided by law for similar services. The fees collected  
10      under this section shall be paid by the ~~secretary of state~~ department into the state  
11      treasury.

History: 1985 a. 135 s. 83 (4); 1991 a. 189; 1993 a. 482; 2001 a. 107; 2005 a. 22.

12          **SECTION 33.** 137.01 (1) (a) of the statutes is amended to read:

13          137.01 (1) (a) The governor shall appoint notaries public who shall be United  
14      States residents and at least 18 years of age. Applicants who are not attorneys shall  
15      file an application with the ~~secretary of state~~ department of financial institutions  
16      and pay a \$20 fee.

History: 1971 c. 213 s. 5; 1977 c. 29, 449; 1979 c. 221; 1981 c. 380; 1981 c. 391 s. 211; 1993 a. 482; 1997 a. 27, 306; 1999 a. 77, 166; 2001 a. 16, 102; 2003 a. 294; 2007 a. 110.

17          **SECTION 34.** 137.01 (1) (b) of the statutes is amended to read:

18          137.01 (1) (b) The secretary of state financial institutions shall satisfy himself  
19      or herself that the applicant has the equivalent of an 8th grade education, is familiar  
20      with the duties and responsibilities of a notary public and, subject to ss. 111.321,  
21      111.322 and 111.335, does not have an arrest or conviction record.

History: 1971 c. 213 s. 5; 1977 c. 29, 449; 1979 c. 221; 1981 c. 380; 1981 c. 391 s. 211; 1993 a. 482; 1997 a. 27, 306; 1999 a. 77, 166; 2001 a. 16, 102; 2003 a. 294; 2007 a. 110.

22          **SECTION 35.** 137.01 (1) (d) of the statutes is amended to read:

1           137.01 (1) (d) Qualified applicants shall be notified by the ~~secretary of state~~  
2           department of financial institutions to take and file the official oath and execute and  
3           file an official bond in the sum of \$500, with a surety executed by a surety company  
4           and approved by the secretary of state financial institutions.

History: 1971 c. 213 s. 5; 1977 c. 29, 449; 1979 c. 221; 1981 c. 380; 1981 c. 391 s. 211; 1993 a. 482; 1997 a. 27, 306; 1999 a. 77, 166; 2001 a. 16, 102; 2003 a. 294; 2007 a. 110.

5           **SECTION 36.** 137.01 (1) (e) of the statutes is amended to read:

6           137.01 (1) (e) The qualified applicant shall file his or her signature, post-office  
7           address and an impression of his or her official seal, or imprint of his or her official  
8           rubber stamp with the ~~secretary of state~~ department of financial institutions.

History: 1971 c. 213 s. 5; 1977 c. 29, 449; 1979 c. 221; 1981 c. 380; 1981 c. 391 s. 211; 1993 a. 482; 1997 a. 27, 306; 1999 a. 77, 166; 2001 a. 16, 102; 2003 a. 294; 2007 a. 110.

9           **SECTION 37.** 137.01 (1) (g) of the statutes is amended to read:

10          137.01 (1) (g) At least 30 days before the expiration of a commission the  
11          ~~secretary of state~~ department of financial institutions shall mail notice of the  
12          expiration date to the holder of a commission.

History: 1971 c. 213 s. 5; 1977 c. 29, 449; 1979 c. 221; 1981 c. 380; 1981 c. 391 s. 211; 1993 a. 482; 1997 a. 27, 306; 1999 a. 77, 166; 2001 a. 16, 102; 2003 a. 294; 2007 a. 110.

13          **SECTION 38.** 137.01 (2) (a) of the statutes is amended to read:

14          137.01 (2) (a) Except as provided in par. (am), any United States resident who  
15          is licensed to practice law in this state is entitled to a permanent commission as a  
16          notary public upon application to the ~~secretary of state~~ department of financial  
17          institutions and payment of a \$50 fee. The application shall include a certificate of  
18          good standing from the supreme court, the signature and post-office address of the  
19          applicant and an impression of the applicant's official seal, or imprint of the  
20          applicant's official rubber stamp.

History: 1971 c. 213 s. 5; 1977 c. 29, 449; 1979 c. 221; 1981 c. 380; 1981 c. 391 s. 211; 1993 a. 482; 1997 a. 27, 306; 1999 a. 77, 166; 2001 a. 16, 102; 2003 a. 294; 2007 a. 110.

21          **SECTION 39.** 137.01 (2) (am) of the statutes is amended to read:

1           137.01 (2) (am) If a United States resident has his or her license to practice law  
2           in this state suspended or revoked, upon reinstatement of his or her license to  
3           practice law in this state, the person may be entitled to receive a certificate of  
4           appointment as a notary public for a term of 4 years. An eligible notary appointed  
5           under this paragraph is entitled to reappointment for 4-year increments. At least  
6           30 days before the expiration of a commission under this paragraph the ~~secretary of~~  
7           state department of financial institutions shall mail notice of the expiration date to  
8           the holder of the commission.

History: 1971 c. 213 s. 5; 1977 c. 29, 449; 1979 c. 221; 1981 c. 380; 1981 c. 391 s. 211; 1993 a. 482; 1997 a. 27, 306; 1999 a. 77, 166; 2001 a. 16, 102; 2003 a. 294; 2007 a. 110.

9           **SECTION 40.** 137.01 (2) (b) of the statutes is amended to read:

10          137.01 (2) (b) The secretary of state financial institutions shall issue a  
11          certificate of appointment as a notary public to persons who qualify under the  
12          requirements of this subsection. The certificate shall state that the notary  
13          commission is permanent or is for 4 years.

History: 1971 c. 213 s. 5; 1977 c. 29, 449; 1979 c. 221; 1981 c. 380; 1981 c. 391 s. 211; 1993 a. 482; 1997 a. 27, 306; 1999 a. 77, 166; 2001 a. 16, 102; 2003 a. 294; 2007 a. 110.

14          **SECTION 41.** 137.01 (2) (c) of the statutes is amended to read:

15          137.01 (2) (c) The supreme court shall file with the ~~secretary of state~~  
16          department of financial institutions notice of the surrender, suspension or revocation  
17          of the license to practice law of any attorney who holds a permanent commission as  
18          a notary public. Such notice shall be deemed a revocation of said commission.

History: 1971 c. 213 s. 5; 1977 c. 29, 449; 1979 c. 221; 1981 c. 380; 1981 c. 391 s. 211; 1993 a. 482; 1997 a. 27, 306; 1999 a. 77, 166; 2001 a. 16, 102; 2003 a. 294; 2007 a. 110.

19          **SECTION 42.** 137.01 (6) (a) of the statutes is amended to read:

20          137.01 (6) (a) The secretary of state financial institutions may certify to the  
21          official qualifications of any notary public and to the genuineness of the notary  
22          public's signature and seal or rubber stamp.

History: 1971 c. 213 s. 5; 1977 c. 29, 449; 1979 c. 221; 1981 c. 380; 1981 c. 391 s. 211; 1993 a. 482; 1997 a. 27, 306; 1999 a. 77, 166; 2001 a. 16, 102; 2003 a. 294; 2007 a. 110.

1           **SECTION 43.** 137.01 (6m) of the statutes is amended to read:

2           137.01 **(6m)** CHANGE OF RESIDENCE. A notary public does not vacate his or her  
3 office by reason of his or her change of residence within the United States. Written  
4 notice of any change of address shall be given to the ~~secretary of state~~ department  
5 of financial institutions within 10 days of the change.

History: 1971 c. 213 s. 5; 1977 c. 29, 449; 1979 c. 221; 1981 c. 380; 1981 c. 391 s. 211; 1993 a. 482; 1997 a. 27, 306; 1999 a. 77, 166; 2001 a. 16, 102; 2003 a. 294; 2007 a. 110.

6           **SECTION 44.** 137.01 (7) of the statutes is amended to read:

7           137.01 **(7)** OFFICIAL RECORDS TO BE FILED. When any notary public ceases to hold  
8 office, the notary public, or in case of the notary public's death the notary public's  
9 personal representative, shall deposit the notary public's official records and papers  
10 ~~in the office of the secretary of state~~ with the department of financial institutions.  
11 If the notary or personal representative, after the records and papers come to his or  
12 her hands, neglects for 3 months to deposit them, he or she shall forfeit not less than  
13 \$50 nor more than \$500. If any person knowingly destroys, defaces, or conceals any  
14 records or papers of any notary public, the person shall forfeit not less than \$50 nor  
15 more than \$500, and shall be liable for all damages resulting to the party injured.  
16 The ~~secretary of state~~ department of financial institutions shall receive and safely  
17 keep all such papers and records.

History: 1971 c. 213 s. 5; 1977 c. 29, 449; 1979 c. 221; 1981 c. 380; 1981 c. 391 s. 211; 1993 a. 482; 1997 a. 27, 306; 1999 a. 77, 166; 2001 a. 16, 102; 2003 a. 294; 2007 a. 110.

18           **SECTION 45.** 137.02 (1) of the statutes is amended to read:

19           137.02 **(1)** The governor shall have power to appoint one or more  
20 commissioners in any of the United States, or of the territories belonging to the  
21 United States and in foreign countries, who shall hold office for a term of 4 years  
22 unless sooner removed. Every commissioner appointed under this subsection shall  
23 take the official oath before a judge or clerk of one of the courts of record of the state

1 or territory or country in which the commissioner shall reside. The commissioner  
2 shall file the oath, with an impression of the commissioner's seal of office and a  
3 statement of the commissioner's post-office address, ~~in the office of the secretary of~~  
4 ~~state~~ with the department of financial institutions. The commissioner shall at the  
5 same time pay into the treasury the sum of \$5, at which time the commissioner's  
6 commission shall issue.

History: 1993 a. 482; 1997 a. 254.

7 **SECTION 46.** 891.16<sup>↓</sup> of the statutes is amended to read:

8 **891.16 Certificate of land transfers.** A certificate by the secretary of state,  
9 ~~under the great or lesser seal,~~<sup>↓</sup> to any facts which appear from the books, files and  
10 records in the secretary of state's office or the office of the commissioners of public  
11 lands in regard to the grant, conveyance or transfer of any land by the United States  
12 to the territory or state of Wisconsin, and also in regard to the sale, conveyance or  
13 transfer of any such land by said territory or state shall be received as presumptive  
14 evidence of the facts so certified.

History: 1993 a. 486.

15 (END)

*D - Note*

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0721/1dn

ARG: /.....

Wlj

Date

ATTN: Mickie Waterman

This draft does not provide for the transfer of positions from the Office of the Secretary of State to DFI. The draft also does not provide additional funds to DFI to cover the cost of these new functions other than the amounts that DFI will receive in connection with these functions. Is this consistent with your intent?

I also note that DFI transfers \$200,000 each year to an appropriation account of the Office of the Secretary of State. Do you want to eliminate this transfer?

The authentication functions and apostille functions were the most challenging pieces of this draft. Please review these provisions carefully to ensure that the draft reflects your intent. I note that the draft does not treat s. 758.171.

Do you want to include a delayed effective date?

Aaron R. Gary  
Legislative Attorney  
Phone: (608) 261-6926  
E-mail: aaron.gary@legis.wisconsin.gov

Same ff  
as new material.

(1) 4/1/02 or upon

Under this draft,  
receipts by DFI in connection with its  
notary functions and trademark functions will be credited  
to DFI's general program operations appropriation.  
However, the appropriation is a sum certain appropriation  
so expenditure authority is limited to the amounts  
in schedule. Is this appropriation sufficient to meet  
your needs or do you want me to create a new PR appropriation?



**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0721/1dn  
ARG:wlj:jf

December 20, 2010

ATTN: Mickie Waterman

This draft does not provide for the transfer of positions from the Office of the Secretary of State to DFI. The draft also does not provide additional funds to DFI to cover the cost of these new functions other than the amounts that DFI will receive in connection with these functions. Is this consistent with your intent?

Under this draft, receipts by DFI in connection with its notary functions and trademark functions will be credited to DFI's general program operations appropriation under s. 20.144 (1) (g). However, the appropriation is a sum certain appropriation so expenditure authority is limited to the amounts in schedule. Is this appropriation sufficient to meet your needs or do you want me to create a new PR appropriation? I also note that DFI transfers \$200,000 each year to an appropriation account of the Office of the Secretary of State. Do you want to eliminate this transfer?

The authentication functions and apostille functions were the most challenging pieces of this draft. Please review these provisions carefully to ensure that the draft reflects your intent. I note that the draft does not treat s. 758.171.

Do you want to include a delayed effective date?

Aaron R. Gary  
Legislative Attorney  
Phone: (608) 261-6926  
E-mail: [aaron.gary@legis.wisconsin.gov](mailto:aaron.gary@legis.wisconsin.gov)

**Gary, Aaron**

---

**From:** Waterman, Mickie D - DOA [Mickie.Waterman@wisconsin.gov]  
**Sent:** Wednesday, December 22, 2010 9:56 AM  
**To:** Gary, Aaron  
**Subject:** RE: LRB-0721: transfer of certain functions of the secretary of state  
 Hi Aaron,

Thanks for your note. Here are the answers to your questions:

- ✕ 1. Please remove the transfer of the authentication function.
- 2. We will not transfer any positions with the notary and trademark functions.
- 3. The fees that SOS collects related to the functions will be collected by DFI after the transfer, so SOS would not provide any funds – since SOS won't have any to provide.
- 4. We will not create any appropriations.
- 5. We will need to adjust the amount of the transfer when we have a final budget for SOS.
- ✕ 6. Let's use an effective date of October 1, 2011. This will give them three months to sort out the transfer. Please include a nonstatutory provision in this bill for transfers that provides DOA authority to address any issues that arise with the transfer of records, assets, etc.

Let me know if you need any further clarification or if you have other questions.

Mickie

**Mickie Waterman**

*Executive Policy and Budget Analyst  
 Division of Executive Budget and Finance  
 Wisconsin Department of Administration  
 101 East Wilson Street, 10th Floor  
 Madison, WI 53707  
 (608) 266-1072*

---

**From:** Gary, Aaron [mailto:Aaron.Gary@legis.wisconsin.gov]  
**Sent:** Wednesday, December 22, 2010 9:37 AM  
**To:** Waterman, Mickie D - DOA  
**Subject:** RE: LRB-0721: transfer of certain functions of the secretary of state

Sorry ... see minor change to e-mail below

---

**From:** Gary, Aaron  
**Sent:** Wednesday, December 22, 2010 9:35 AM  
**To:** Waterman, Mickie D - DOA  
**Subject:** LRB-0721: transfer of certain functions of the secretary of state

Hi Mickie,

LRB-0721 transfers notary, trademark, and authentication functions of the secretary of state to DFI. The draft treats provisions related to the great seal and lesser seal because they are directly tied to the secretary of state's authentication functions. My supervisor pointed out that the Wisconsin constitution, Art. XIII, sec. 4., requires the great seal to be kept by the secretary of state. I believe this constitutional provision becomes a problem in trying to transfer the authentication functions. Transferring the seal to DFI would be unconstitutional, but it may not be workable to transfer the SOS authentication functions

12/22/2010

without transferring the seal (unless I simply remove any seal-related requirement from the authentication function - but some are constitutionally mandated).

Aaron

Aaron R. Gary  
Attorney, Legislative Reference Bureau  
608.261.6926 (voice)  
608.264.6948 (fax)  
aaron.gary@legis.state.wi.us

We have received an LRB draft for DOA Tracking Code: BB0145

LRB Draft Number: 0721/1

Drafter: ARG

Drafting Attorney: Aaron R. Gary  
Phone: (608) 261-6926  
E-mail: aaron.gary@legis.wisconsin.gov

Drafter's Note:

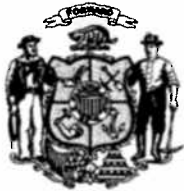
This draft does not provide for the transfer of positions from the Office of the Secretary of State to DFI. The draft also does not provide additional funds to DFI to cover the cost of these new functions other than the amounts that DFI will receive in connection with these functions. Is this consistent with your intent?

Under this draft, receipts by DFI in connection with its notary functions and trademark functions will be credited to DFI's general program operations appropriation under s. 20.144 (1) (g). However, the appropriation is a sum certain appropriation so expenditure authority is limited to the amounts in schedule. Is this appropriation sufficient to meet your needs or do you want me to create a new PR appropriation? I also note that DFI transfers \$200,000 each year to an appropriation account of the Office of the Secretary of State. Do you want to eliminate this transfer?

The authentication functions and apostille functions were the most challenging pieces of this draft. Please review these provisions carefully to ensure that the draft reflects your intent. I note that the draft does not treat s. 758.171.

Do you want to include a delayed effective date?

The document can be found in the Stat Language site on SharePoint.



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-0721/2  
ARG:wlj:jf

in  
12/29

stays  
HMR

DOA:.....Waterman, BB0145 - Transfer notary, trademark, and authentication functions from Secretary of State to DFI

**FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION**

LPS: Please fix  
request sheet.

LPS: Please check  
auto-refs.

Do Not Gen

1 AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**COMMERCE AND ECONOMIC DEVELOPMENT**

**FINANCIAL INSTITUTIONS**

Under current law, a person may file an application to be a notary public with the Office of the Secretary of State (SOS). If the SOS determines that the applicant is qualified, the SOS issues a certificate of appointment and the person's commission as a notary public is valid for four years. However, for a person licensed to practice law, the commission as a notary public is permanent.

This bill transfers notary public functions from the Office of the SOS to DFI.

Under current law, a person may file for state trademark or service mark registration with the Office of the SOS. If applicable requirements are met, the SOS issues a certificate of registration of the mark. The SOS must also keep a record of brands used on beverage containers for which the SOS has received an application to record the brand. A lodge, fraternal society, or similar organization may also register with the SOS its identifying information, including its name, motto, emblem, or other insignia, and the SOS must keep a properly indexed file of these registrations.

This bill transfers these trademark and similar functions from the Office of the SOS to DFI.

Under current law, the state has a great seal and a lesser seal, both of which are kept in the Office of the SOS. The great seal contains the words "Great Seal of the State of Wisconsin" and the lesser seal, which is smaller in diameter, contains the words "Seal of the Secretary of State" and "State of Wisconsin." The lesser seal may be used to authenticate papers and documents issued by the SOS, except that the SOS must affix the great seal to and countersign all commissions issued and other official acts done by the governor. If the governor or attorney general releases or satisfies any lien or other obligation in favor of the state and the release or satisfaction is required to be under seal, the SOS must affix the great seal and authenticate the applicable signatures. A certificate by the SOS, under the great seal or lesser seal, to facts in the records of the Office of the SOS must be received as presumptive evidence of the facts so certified. Certain other seals must be filed in the Office of the SOS, including the seal of the private secretary to the governor.

This bill generally transfers these authentication and seal functions of the Office of SOS to DFI. The bill also eliminates the lesser seal. Under the bill, the SOS may continue to certify records in the Office of the SOS without the requirement of affixing a seal.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 1.15 (4) of the statutes is created to read:

1.15 (4) The secretary of financial institutions shall affix the great seal to and countersign all commissions issued and other official acts done by the governor, the governor's approbation of the laws excepted.

**SECTION 2.** 14.07 (2) of the statutes is amended to read:

14.07 (2) The executive privy seal, a written description of which is deposited in the office of the secretary of state with the department of financial institutions, is the seal of the private secretary to the governor, with which all the private secretary's official certificates shall be authenticated.

**SECTION 3.** 14.12 of the statutes is amended to read:

**14.12 Execution of releases and satisfactions.** Unless otherwise provided by law, the governor and attorney general may release or satisfy any lien or other

1 obligation in favor of the state, upon payment by the obligor of the full amount due  
2 thereon or of the amount provided in any compromise settlement duly entered into  
3 and approved as provided by law. When such release or satisfaction is required to  
4 be under seal, the secretary of state financial institutions shall affix the great seal  
5 of the state and authenticate the signatures of said officers.

6 **SECTION 4.** 14.38 (2) of the statutes is amended to read:

7 14.38 (2) ~~AFFIX GREAT SEAL; REGISTER~~ REGISTER COMMISSIONS. ~~Affix the great seal~~  
8 ~~to and countersign all commissions issued and other official acts done by the~~  
9 ~~governor, the governor's approbation of the laws excepted; and make~~ Make a register  
10 ~~of such commissions~~ all commissions issued and other official acts done by the  
11 governor, the governor's approbation of the laws excepted, in a book provided by the  
12 governor therefor, specifying the person to whom issued, the office conferred, and the  
13 date and term of the commission.

14 **SECTION 5.** 14.38 (9) of the statutes is amended to read:

15 14.38 (9) FURNISH CERTIFIED COPIES; FEES. Make a copy of any law, resolution,  
16 deed, bond, record, document or paper deposited or kept in his or her office, upon  
17 request therefor, attach thereto his or her certificate, ~~with the greater or lesser seal~~  
18 ~~affixed,~~ and collect therefor 50 cents per page and \$5 for such certificate; if a copy is  
19 not to be certified and if the reproduction is performed by the office of the secretary  
20 of state, then collect a fee to cover the actual and necessary cost of reproduction and  
21 actual and necessary cost of transcription required to produce the copy or \$2,  
22 whichever is greater; also to record any document authorized or required by law to  
23 be recorded in his or her office, and to charge therefor a fee of \$1 per page. The fee  
24 for certified copies and for certificates as to results of searches of the records and files  
25 of his or her office, when a printed form is used, shall be \$5, but when a specially

1 prepared form is required the fee shall be \$10. Telegraphic reports as to results of  
2 record searches shall be \$5 plus the cost of the telegram. The secretary of state shall  
3 charge and collect for preparing any record or certificate under this subsection in an  
4 expeditious manner, an expedited service fee of \$25 in addition to the fee otherwise  
5 required under this subsection.

6 **SECTION 6.** 14.45 (title), (1) and (2) of the statutes are renumbered 1.15 (title),  
7 (1) and (2), and 1.15 (title) and (1), as renumbered, are amended to read:

8 **1.15 (title) Great and lesser seals seal.**

9 (1) The state shall have a great seal and a lesser seal both of which shall be that  
10 is kept in the office of the secretary of state department of financial institutions.

11 **SECTION 7.** 14.45 (3) of the statutes is repealed.

12 **SECTION 8.** 20.575 (1) (g) of the statutes is amended to read:

13 20.575 (1) (g) *Program fees.* The amounts in the schedule for the purpose of  
14 carrying out general program operations. Except as provided under par. (ka), all  
15 amounts received by the secretary of state, including <sup>plain</sup> fees under ch. 132 and subch.  
16 <sup>s. 137.02</sup> of ch. 137 and all moneys transferred from the appropriation under s. 20.144 (1) (g),  
17 shall be credited to this appropriation. Notwithstanding s. 20.001 (3) (a), any  
18 unencumbered balance at the close of a fiscal year exceeding 10% of that fiscal year's  
19 expenditures under this appropriation shall lapse to the general fund.

20 **SECTION 9.** 59.23 (2) (m) 2. of the statutes is amended to read:

21 59.23 (2) (m) 2. Except as otherwise provided, receive and file the official oaths  
22 and bonds of all county officers and upon request shall certify under the clerk's  
23 signature and seal the official capacity and authority of any county officer so filing  
24 and charge therefor the statutory fee. Upon the commencement of each term every

1 clerk shall file the clerk's signature and the impression of the clerk's official seal in  
2 ~~the office of the secretary of state~~ with the department of financial institutions.

3 **SECTION 10.** 59.43 (1) (t) of the statutes is amended to read:

4 59.43 (1) (t) Upon commencement of each term, file his or her signature and  
5 the impression of his or her official seal or rubber stamp ~~in the office of the secretary~~  
6 ~~of state~~ with the department of financial institutions.

7 **SECTION 11.** 100.14 (2) of the statutes is amended to read:

8 100.14 (2) The ~~secretary of state~~ department of financial institutions shall,  
9 upon application of the department of agriculture, trade and consumer protection,  
10 record any such label or trademark under ss. 132.01 to 132.11. The department of  
11 agriculture, trade and consumer protection shall be entitled to protect such label or  
12 trademark under said sections and in any other manner authorized by law.

13 **SECTION 12.** 132.001 (1m) of the statutes is created to read:

14 132.001 (1m) "Department" means the department of financial institutions.

15 **SECTION 13.** 132.01 (1) of the statutes is amended to read:

16 132.01 (1) Any person, firm, partnership, corporation, association, or union of  
17 workingmen, which has heretofore adopted or used or shall hereafter adopt or use  
18 any mark for the purpose of designating, making known, or distinguishing any  
19 goods, wares, merchandise, service, business, or other product of labor or  
20 manufacture as having been made, manufactured, produced, prepared, packed, or  
21 put on sale by such person, firm, partnership, corporation, association, or union of  
22 workingmen, or by a member or members thereof, he, she, or they, if residents of this  
23 or any other state of the United States, and such foreign corporations as may have  
24 been duly licensed to transact business in the state of Wisconsin, may file an original,  
25 a copy, or photographs, or cuts with specifications of the same for record ~~in the office~~



1 ~~of the secretary of state~~ with the department, by leaving 2 such originals, copies,  
2 photographs, or cuts with specifications, the same being counterparts, facsimiles, or  
3 drawings thereof, with ~~said secretary~~ the department and by filing therewith a  
4 sworn statement, in such form as may be prescribed by the ~~secretary of state~~  
5 department, specifying the name of the person, firm, partnership, corporation,  
6 association, or union of workingmen, on whose behalf such mark is to be filed, the  
7 class of merchandise and a separate description of the goods to which the same has  
8 been or is intended to be appropriated, the residence, location, or place of business  
9 of such party, that the party, on whose behalf such mark is to be filed, has the right  
10 to the use of the same, and that no other person, or persons, firm, partnership,  
11 corporation, association, or union of workingmen has such right either in the  
12 identical form or in any such near resemblance thereto as may be calculated to  
13 deceive, and that the originals, copies, photographs, or cuts, counterparts,  
14 facsimiles, or drawings filed therewith are correct.

15 **SECTION 14.** 132.01 (3) of the statutes is amended to read:

16 132.01 (3) For an original or renewal registration, or the recording of an  
17 assignment, there shall be paid to the ~~secretary of state~~ department the fee of \$15.

18 **SECTION 15.** 132.01 (5) of the statutes is amended to read:

19 132.01 (5) The ~~secretary of state~~ department may not register any mark which  
20 consists of or comprises a replica or simulation of the flag, coat of arms, or insignia  
21 of the United States of America, or of any state or municipality or any foreign nation.

22 **SECTION 16.** 132.01 (6) of the statutes is amended to read:

23 132.01 (6) (a) A registration recorded or renewed under this section or s. 132.04  
24 or 132.11 before May 1, 1990, is effective for 20 years. A registration may be renewed  
25 on or after May 1, 1990, for 10-year periods upon application to the ~~secretary of state~~

1 department and payment of the same fee required for a registration. Application for  
2 renewal shall be made within 6 months before the expiration of the 20-year  
3 registration period or 10-year renewal period specified in this paragraph.

4 (b) A registration recorded under this section or s. 132.04 or 132.11 on or after  
5 May 1, 1990, is effective for 10 years. A registration may be renewed for 10-year  
6 periods upon application to the ~~secretary of state~~ department and payment of the  
7 same fee required for a registration. Application for renewal shall be made within  
8 6 months before the expiration of the 10-year period specified in this paragraph.

9 **SECTION 17.** 132.01 (7) (intro.) of the statutes is amended to read:

10 132.01 (7) (intro.) The ~~secretary of state~~ department shall do all of the  
11 following:

12 **SECTION 18.** 132.01 (7) (b) of the statutes is amended to read:

13 132.01 (7) (b) Cancel from his or her register a registration of a mark under this  
14 section upon the request of the registrant of the mark. The ~~secretary of state~~  
15 department may not charge a fee for canceling a registration under this paragraph.

16 **SECTION 19.** 132.01 (8) of the statutes is amended to read:

17 132.01 (8) Any person, firm, partnership, corporation, association or union who  
18 claims a right to the use of subject matter conflicting with any registration by another  
19 may bring action against such other in the circuit court for the county in which such  
20 other resides, or in the circuit court for Dane County, and in any such action the right  
21 to the use and registration of such subject matter shall be determined as between the  
22 parties, and registration shall be granted or withheld or canceled by the ~~secretary~~  
23 of state department in accordance with the final judgment in any such action.  
24 Nonuser for a period of at least 2 years continuing to the date of commencement of

1 any action in which abandonment is in issue shall be prima facie evidence of  
2 abandonment to the extent of such nonuser.

3 **SECTION 20.** 132.01 (9) of the statutes is amended to read:

4 132.01 (9) Title to any registration hereunder shall pass to any person, firm or  
5 corporation succeeding to the registrant's business to which such registration  
6 pertains. Written assignments of any such registration from a registrant to such a  
7 successor may be filed with and shall be recorded by the ~~secretary of state~~  
8 department upon payment of the fee specified in sub. (3). When such assignment is  
9 recorded, a new registration shall be entered in the name of the assignee, and on such  
10 registration and any subsequent certificates or registration of an assigned  
11 registration the ~~secretary of state~~ department shall show the previous ownership  
12 and dates of assignment thereof.

13 **SECTION 21.** 132.031 of the statutes is amended to read:

14 **132.031 Certificate; evidence.** The ~~secretary of state~~ department shall  
15 deliver to the person, corporation, association or union so filing or causing to be filed  
16 any such mark, or any assignment of such subject matter previously registered, or  
17 to any person, corporation, association or union renewing a registration, as many  
18 duly attested certificates of the registration or renewal of the same as may be desired.  
19 Any such certificate shall, in all suits and prosecutions arising out of or depending  
20 upon any rights claimed under such mark, be prima facie evidence of the adoption  
21 thereof and of the facts prerequisite to registrations thereof as required by s. 132.01.

22 **SECTION 22.** 132.04 (1) of the statutes is amended to read:

23 132.04 (1) Any person who is the owner of cans, tubs, firkins, boxes, bottles,  
24 casks, barrels, kegs, cartons, tanks, fountains, vessels or containers with his or her  
25 names, brands, designs, trademarks, devices or other marks of ownership stamped,

1 impressed, labeled, blown in or otherwise marked thereon, may file with the  
2 ~~secretary of state~~ department and record with the register of deeds of any county in  
3 which the person has his or her principal place of business, a written statement or  
4 description verified by affidavit of the owner or his or her agent, of the names, brands,  
5 designs, trademarks, devices or other marks of ownership used by him or her, and  
6 of the articles upon which they are used, or if the principal place of business is outside  
7 the state, then a written statement or verified description may be recorded with the  
8 register of deeds of any county. The statement shall be published as a class 3 notice,  
9 under ch. 985, in the county, and a copy of the publication, proved as provided in s.  
10 985.12, shall also be filed with the ~~secretary of state~~ department and recorded with  
11 the register of deeds.

12 **SECTION 23.** 132.04 (2) of the statutes is amended to read:

13 132.04 (2) All such written statements or descriptions and all such certificates  
14 of publication so filed or recorded shall be subject at all reasonable hours to public  
15 inspection. The ~~secretary of state~~ department and the register of deeds shall deliver  
16 to all applicants certified copies of all such written statements or descriptions or  
17 names, brands, designs, trademarks, devices, or other marks of ownership and of all  
18 certificates of publication filed or recorded with them and such certified copies shall  
19 be admissible in evidence in all prosecutions under ss. 132.04 to 132.08, and shall be  
20 prima facie evidence that this section has been complied with, and of the title of the  
21 owner named therein to the property upon which the name, brand, design,  
22 trademark, device, or other marks of ownership of the owner appear as described  
23 therein.

24 **SECTION 24.** 132.04 (3) of the statutes is amended to read:

1           132.04 (3) The ~~secretary of state~~ department shall receive a fee of \$15 and the  
2       register of deeds shall receive the fee specified in s. 59.43 (2) (ag) or (e) for each  
3       statement and certificate of publication filed or recorded and shall also receive the  
4       fee specified in s. 59.43 (2) (b) for each certified copy of such statement and certificate  
5       of publication, to be paid for by the person filing, recording or applying for the same.

6           **SECTION 25.** 132.04 (4) of the statutes is amended to read:

7           132.04 (4) (a) The ~~secretary of state~~ department and register of deeds shall  
8       cancel a statement or description under this section upon the request of the person  
9       named in the records of the ~~secretary of state~~ department or register of deeds as the  
10      owner of marks of ownership described in the statement or description.

11          (b) The ~~secretary of state~~ department and register of deeds may not charge a  
12      fee for canceling a statement or description under par. (a).

13          **SECTION 26.** 132.11 (1) (intro.) of the statutes is amended to read:

14          132.11 (1) (intro.) The ~~secretary of state~~ department shall do all of the  
15      following:

16          **SECTION 27.** 132.11 (1) (c) of the statutes is amended to read:

17          132.11 (1) (c) Cancel the description of a name, brand or trademark recorded  
18      under par. (a) upon the request of the person, firm or corporation named in the  
19      records of the ~~secretary of state~~ department as the owner of the name, brand or  
20      trademark. The ~~secretary of state~~ department may not charge a fee for canceling a  
21      description under this paragraph.

22          **SECTION 28.** 132.16 (1m) of the statutes is amended to read:

23          132.16 (1m) Any organization may register, ~~in the office of the secretary of~~  
24      state, with the department a facsimile, duplicate, or description of any of the

1 organization's identifying information and may, by reregistration, alter or cancel the  
2 organization's identifying information.

3 **SECTION 29.** 132.16 (2) of the statutes is amended to read:

4 132.16 (2) Application for registration or reregistration under sub. (1m) shall  
5 be made by the organization's chief officer or officers upon forms provided by the  
6 ~~secretary of state~~ department. The registration shall be for the use, benefit, and on  
7 behalf of the organization and the organization's current and future individual  
8 members throughout this state.

9 **SECTION 30.** 132.16 (3) of the statutes is amended to read:

10 132.16 (3) The ~~secretary of state~~ department shall keep a properly indexed file  
11 of all registrations under this section, which shall also show any alterations or  
12 cancelations by reregistration.

13 **SECTION 31.** 132.16 (5) of the statutes is amended to read:

14 132.16 (5) Upon granting registration under this section, the ~~secretary of state~~  
15 department shall issue ~~his or her~~ a certificate to the petitioners, setting forth the fact  
16 of the registration.

17 **SECTION 32.** 132.16 (6) of the statutes is amended to read:

18 132.16 (6) The fees of the ~~secretary of state~~ department for registration or  
19 reregistration under this section, searches made by the ~~secretary of state~~  
20 department, and certificates issued by the ~~secretary of state~~ department under this  
21 section, shall be the same as provided by law for similar services. The fees collected  
22 under this section shall be paid by the ~~secretary of state~~ department into the state  
23 treasury.

24 **SECTION 33.** 137.01 (1) (a) of the statutes is amended to read:

1           137.01 (1) (a) The governor shall appoint notaries public who shall be United  
2 States residents and at least 18 years of age. Applicants who are not attorneys shall  
3 file an application with the ~~secretary of state~~ department of financial institutions  
4 and pay a \$20 fee.

5           **SECTION 34.** 137.01 (1) (b) of the statutes is amended to read:

6           137.01 (1) (b) The secretary of ~~state~~ financial institutions shall satisfy himself  
7 or herself that the applicant has the equivalent of an 8th grade education, is familiar  
8 with the duties and responsibilities of a notary public and, subject to ss. 111.321,  
9 111.322 and 111.335, does not have an arrest or conviction record.

10          **SECTION 35.** 137.01 (1) (d) of the statutes is amended to read:

11          137.01 (1) (d) Qualified applicants shall be notified by the ~~secretary of state~~  
12 department of financial institutions to take and file the official oath and execute and  
13 file an official bond in the sum of \$500, with a surety executed by a surety company  
14 and approved by the secretary of ~~state~~ financial institutions.

15          **SECTION 36.** 137.01 (1) (e) of the statutes is amended to read:

16          137.01 (1) (e) The qualified applicant shall file his or her signature, post-office  
17 address and an impression of his or her official seal, or imprint of his or her official  
18 rubber stamp with the ~~secretary of state~~ department of financial institutions.

19          **SECTION 37.** 137.01 (1) (g) of the statutes is amended to read:

20          137.01 (1) (g) At least 30 days before the expiration of a commission the  
21 ~~secretary of state~~ department of financial institutions shall mail notice of the  
22 expiration date to the holder of a commission.

23          **SECTION 38.** 137.01 (2) (a) of the statutes is amended to read:

24          137.01 (2) (a) Except as provided in par. (am), any United States resident who  
25 is licensed to practice law in this state is entitled to a permanent commission as a

1 notary public upon application to the ~~secretary of state~~ department of financial  
2 institutions and payment of a \$50 fee. The application shall include a certificate of  
3 good standing from the supreme court, the signature and post-office address of the  
4 applicant and an impression of the applicant's official seal, or imprint of the  
5 applicant's official rubber stamp.

6 **SECTION 39.** 137.01 (2) (am) of the statutes is amended to read:

7 137.01 (2) (am) If a United States resident has his or her license to practice law  
8 in this state suspended or revoked, upon reinstatement of his or her license to  
9 practice law in this state, the person may be entitled to receive a certificate of  
10 appointment as a notary public for a term of 4 years. An eligible notary appointed  
11 under this paragraph is entitled to reappointment for 4-year increments. At least  
12 30 days before the expiration of a commission under this paragraph the ~~secretary of~~  
13 ~~state~~ department of financial institutions shall mail notice of the expiration date to  
14 the holder of the commission.

15 **SECTION 40.** 137.01 (2) (b) of the statutes is amended to read:

16 137.01 (2) (b) The secretary of ~~state~~ financial institutions shall issue a  
17 certificate of appointment as a notary public to persons who qualify under the  
18 requirements of this subsection. The certificate shall state that the notary  
19 commission is permanent or is for 4 years.

20 **SECTION 41.** 137.01 (2) (c) of the statutes is amended to read:

21 137.01 (2) (c) The supreme court shall file with the ~~secretary of state~~  
22 department of financial institutions notice of the surrender, suspension or revocation  
23 of the license to practice law of any attorney who holds a permanent commission as  
24 a notary public. Such notice shall be deemed a revocation of said commission.

25 **SECTION 42.** 137.01 (6) (a) of the statutes is amended to read:



1           137.01 (6) (a) The secretary of state financial institutions may certify to the  
2           official qualifications of any notary public and to the genuineness of the notary  
3           public's signature and seal or rubber stamp.

4           **SECTION 43.** 137.01 (6m) of the statutes is amended to read:

5           137.01 (6m) CHANGE OF RESIDENCE. A notary public does not vacate his or her  
6           office by reason of his or her change of residence within the United States. Written  
7           notice of any change of address shall be given to the ~~secretary of state~~ department  
8           of financial institutions within 10 days of the change.

9           **SECTION 44.** 137.01 (7) of the statutes is amended to read:

10          137.01 (7) OFFICIAL RECORDS TO BE FILED. When any notary public ceases to hold  
11          office, the notary public, or in case of the notary public's death the notary public's  
12          personal representative, shall deposit the notary public's official records and papers  
13          ~~in the office of the secretary of state~~ with the department of financial institutions.  
14          If the notary or personal representative, after the records and papers come to his or  
15          her hands, neglects for 3 months to deposit them, he or she shall forfeit not less than  
16          \$50 nor more than \$500. If any person knowingly destroys, defaces, or conceals any  
17          records or papers of any notary public, the person shall forfeit not less than \$50 nor  
18          more than \$500, and shall be liable for all damages resulting to the party injured.  
19          The ~~secretary of state~~ department of financial institutions shall receive and safely  
20          keep all such papers and records.

21          ~~**SECTION 45.** 137.02 (1) of the statutes is amended to read:~~

22          ~~137.02 (1) The governor shall have power to appoint one or more~~  
23          ~~commissioners in any of the United States, or of the territories belonging to the~~  
24          ~~United States and in foreign countries, who shall hold office for a term of 4 years~~  
25          ~~unless sooner removed. Every commissioner appointed under this subsection shall~~

1 take the official oath before a judge or clerk of one of the courts of record of the state  
2 or territory or country in which the commissioner shall reside. The commissioner  
3 shall file the oath, with an impression of the commissioner's seal of office and a  
4 statement of the commissioner's post-office address, in the office of the secretary of  
5 state with the department of financial institutions. The commissioner shall at the  
6 same time pay into the treasury the sum of \$5, at which time the commissioner's  
7 commission shall issue.

8 **SECTION 46.** 891.16 of the statutes is amended to read:

9 **891.16 Certificate of land transfers.** A certificate by the secretary of state,  
10 ~~under the great or lesser seal,~~ to any facts which appear from the books, files and  
11 records in the secretary of state's office or the office of the commissioners of public  
12 lands in regard to the grant, conveyance or transfer of any land by the United States  
13 to the territory or state of Wisconsin, and also in regard to the sale, conveyance or  
14 transfer of any such land by said territory or state shall be received as presumptive  
15 evidence of the facts so certified.

16 → (END)

Insert

15-16 ↓

INSERT 15-16:

SECTION 9142. Nonstatutory provisions; Secretary of State.

(1) TRANSFER OF TRADEMARK AND NOTARY FUNCTIONS TO DFI TRANSITIONAL PROVISIONS.

(a) *Definitions.* In this subsection:

1. "Department" means the department of financial institutions.
2. "Office" means the office of the secretary of state.
3. "Relating to the office's trademark or notary functions" means relating to the office's functions and duties under(s) 137.01, 2009 stats., or chapter 132, 2009 stats.

(b) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the office relating to the office's trademark or notary functions shall become the assets and liabilities of the department.

(c) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the office relating to the office's trademark or notary functions is transferred to the department.

(d) *Contracts.* All contracts entered into by the office, in effect on the effective date of this paragraph, relating to the office's trademark or notary functions remain in effect and are transferred to the department. The department shall carry out any obligations under such a contract until the contract is modified or rescinded by the department to the extent allowed under the contract.

(e) *Rules and orders.*

LPS: Is the spacing between the number and the period too big?

Create A.R. 1

CS  
the department of financial institution

Keep semicolon

section

Create A.R. c

Create A.R. d

Create A.R. e

1 1. All rules promulgated by the office relating to the office's trademark or  
2 notary functions that are in effect on the effective date of this subdivision remain in  
3 effect until their specified expiration date<sup>s</sup> or until amended or repealed by the  
4 department.

5 2. All orders issued by the office relating to the office's trademark or notary  
6 functions that are in effect on the effective date of this subdivision remain in effect  
7 until their specified expiration date<sup>s</sup> or until modified or rescinded by the department.

8 *Create A.R.F.* → (f) *Pending matters.* Any matter relating to the office's trademark or notary  
9 functions pending with the office on the effective date of this paragraph is  
10 transferred to the department and all materials submitted to or actions taken by the  
11 office with respect to the pending matter are considered as having been submitted  
12 to or taken by the department.

13 (g) *Department of administration to arbitrate disputes.* In the case of  
14 disagreement between the secretary of financial institutions and the secretary of  
15 state with respect to any matter specified in paragraph (c), (d), (e), or (f), the  
16 department of administration shall determine the matter and shall develop a plan  
17 for an orderly transfer.

18  
19 **SECTION 9442. Effective dates; Secretary of State.**

20 (1) TRANSFER OF TRADEMARK AND NOTARY FUNCTIONS TO DFI The treatment of  
21 sections 20.575 (1) (g), 100.14 (2), 132.001 (1m), 132.01 (1), (3), (5), (6), (7) (intro.) and  
22 (b), (8), and (9), 132.031, 132.04 (1), (2), (3), and (4), 132.11 (1) (intro.) and (c), 132.16  
23 (1m), (2), (3), (5), and (6), 137.01 (1) (a), (b), (d), (e), and (g), (2) (a), (am), (b), and (c),  
24 (6) (a), (6m), and (7) of the statutes and SECTION 9142 (1) of this Act takes effect on  
25 October 1, 2011, or on the day after publication, whichever is later.

Use A.R. (C) (D) (E) (F)

CS → the department of financial institutions

Use A.R. 1